

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANTONIO PARKER,

Plaintiff,

v.

FRANCISCO ALMONTE-CASTRO,  
NURSE CHRISTINE HOLMEN, and  
JOHN DOES,

Defendants.  
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ORDER

21-cv-509-bbc

Pro se plaintiff Antonio Parker is proceeding on claims that correctional officers and a nurse at the institution violated his rights under the Eighth Amendment by directing him to take medications prescribed for another inmate and then failing to get him medical attention after he reacted adversely to those medications. Dkt. ## 8, 11. Before the court are three motions by plaintiff: (1) for an order compelling discovery, dkt. #29; (2) for assistance of counsel, dkt. #31; and (3) to amend the complaint to identify the Doe defendants, dkt. #34. I will grant plaintiff's motion to amend the complaint but deny the other two motions.

I am denying plaintiff's motion to compel discovery about the identities of the Doe defendants because it appears to be moot. Specifically, plaintiff appears to have filed the motion before defendants' deadline for providing discovery responses expired. Defendants asserted that they mailed their discovery responses to plaintiff on March 31, 2022, see dkt. #30, and it is plain from plaintiff's motion to amend his complaint that he has received body camera footage and other documents from defendants. In addition, plaintiff has been

able to meet his deadline for naming the Doe defendants.

In his motion to amend his complaint, plaintiff has identified three defendants whom he contends were personally involved in the incident on which he was allowed to proceed: (1) Sgt. Terstriep; (2) NC2 Johnson; and (3) Arman Myadze. The complaint is amended to name these defendants. Plaintiff also says there is a fourth John Doe who “put the belt on the [cell] door,” but he cannot identify this person from the body camera footage provided by defendants. In the interests of efficiency, I am directing the state to make a good faith effort to identify this individual. In addition, not later than April 26, 2022, the state shall advise the court whether it will accept service on behalf of the three now-named Doe defendants as well as John Doe #4 (assuming this person can be identified).

Finally, plaintiff has renewed his motion for the court’s assistance in recruiting counsel to represent him. Dkt. #31. In a previous order, I denied this motion because plaintiff had not shown that he had made reasonable efforts to recruit counsel on his own and it was too early in the case to determine whether the case was too complex for plaintiff to litigate on his own. 3/2/22 Order, dkt. #27, at 4. Plaintiff has now complied with the threshold requirement of making efforts to secure counsel on his own, but I am still not persuaded that appointment of counsel is appropriate at this time. This court receives numerous requests from pro se plaintiffs who want a lawyer to help them with their case. Unfortunately, there are many more requests than there are lawyers available to take these cases. These means that the court must prioritize certain requests over others, taking into consideration the complexity of the case, the stage of the litigation, and the plaintiff’s

abilities. Thus far, plaintiff has shown that he is capable of understanding the court's orders, complying with deadlines, seeking extensions when necessary, and conducting discovery. Moreover, his case does not appear particularly complex. Finally, this case is still in its early stages: the Doe defendants have not even been served. For all these reasons, plaintiff's renewed motion for the appointment of counsel will be denied.

### ORDER

IT IS ORDERED that:

1. Plaintiff's motion to amend his complaint to identify the Doe defendants, dkt. #34, is GRANTED. Plaintiff's complaint is amended to name the following as defendants:

(1) Sgt. Terstriep; (2) NC2 Johnson; and (3) Arman Myadze.

2. The state shall make a good faith effort to identify John Doe #4.

3. Not later than April 26, 2022, the state shall advise the court and plaintiff whether it will accept service on behalf of the named Doe defendants.

4. Plaintiff's motion to compel discovery, dkt. # 29, is DENIED.

5. Plaintiff's motion for assistance in recruiting counsel, dkt. # 31, is DENIED without prejudice.

Entered this 19th day of April, 2022.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge